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THE ALASKAN BOUNDARY DISPUTE FROM AN AMERICAN POINT OF VIEW.

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THE announcement that the international joint high commission had failed to come to an agreement upon the questions submitted to it because of the inability to agree upon a treatment of the disputed Alaskan boundary has not been a surprise to those who have been interested in the subject in the past and have been permitted to observe the claims made by the Canadians interested in Alaska and the Northwest Territories and their determination to secure a new boundary that would give Canada harbors on the coast of Alaska and enable her to reach her valuable possessions in the interior without being subject to American customs regulations.

The question in dispute relates only to that line which separates the possessions of Great Britain and the United States along the strip of land belonging to the latter which extends down the coast from the Alaskan peninsula and shuts off the British possessions from the waters of the Pacific Ocean.

This boundary line is described in the treaty of February 16, 1825, between Russia and Great Britain, and was mapped out by Russia shortly after. Great Britain contends that the Russians misinterpreted the treaty, and that the true boundary line according to the terms of the treaty should be much nearer the coast and should give several salt-water harbors on the Alaskan coast to Great Britain, furnishing free access through her own ports to her possessions in the interior.

The boundary line is described in Articles III. and IV. of the treaty as follows:

III. Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54° 40′ north latitude and between the one hundred and thirty-first and one hundred and thirty-third degrees of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel as far as the point of the continent where it strikes the fifty-sixth degree of north latitude; from this last-mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the one hundred and forty-first degree of west longitude (of the same meridian), and from said point of intersection north, etc.

IV. With reference to the line of demarcation laid down in the preceding article, it is understood—

First. That the island called Prince of Wales Island shall belong wholly to Russia.

Second. That wherever the summit of the mountains which extend in a direction parallel to the coast, from the fifty-sixth degree of north latitude to the point of intersection of the one hundred and forty-first degree of west longitude, shall prove to be at a distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned shall be formed by a line parallel to the windings (sinuosities) of the coast, and which shall never exceed the distance of ten marine leagues therefrom.

The British contention is:

First. That the "pass called the Portland Channel" did not mean what is now called Portland Canal, but what is now known as Behm Canal, which they claim was formerly called Portland Channel.

Second. That though the Russians ran the line a uniform ten marine leagues from the coast as though there were no distinct range of mountains parallel to the coast, there is, as a fact, a range of mountains parallel to the coast the crest of which should have been followed.

Third. That in case there were no range of mountains the ten marine leagues should have been measured, not from the line of salt water, but from the outer coast-line of the islands or from the ocean, that being meant as the coast.

Fourth. That even if there were no distinct range of mountains and the line was accepted as ten marine leagues from the coast, it should be ten leagues from a meandered coast-line and should cut across the mouths of the narrow channels and inlets with which the coast of Alaska is indented, leaving the harbors at the head of these inlets in the possession of Great Britain. Sir Wilfrid Laurier, premier of Canada, stated in the Canadian Parliament in reply to a question relative to the Alaskan boundary: "According to our construction of the treaty of 1825, the boundary line should follow the crest of the mountains nearest the coast, passing over bays and creeks and inlets which are territorial waters."

After making all these contentions, it is reported that Great Britain took the position before the commission that while she was by right

entitled to all the territory these various constructions of the treaty would give her, she was willing to sacrifice them all and as a compromise receive just one harbor—the best one on the Alaskan coast. And the refusal of the commissioners on behalf of the United States to accede to their request caused a suspension of negotiations on the part of the commission.

It has been said that Great Britain's policy in international disputes is to claim everything in sight and then have a margin upon which to make concessions when effecting a compromise. In the Alaskan boundary dispute her claims are without foundation, and the concessions she offers should not be considered, as they represent no sacrifice. She proposes to concede to the United States that which belongs to the United States, in order to get from the United States, on the principle (so often invoked in international compromises) of mutual accommodation, a concession at once valuable to both nations.

The purpose of this article is to prove from official British records that the claims of Great Britain to any other than the present accepted boundary line are entirely without foundation. The best indication of what was intended by the framers of the treaty can be found in the correspondence leading up to its adoption. This has, fortunately, been published by the British Foreign Office in Volume II. of the appendix to the case of her majesty's government before the Bering Sea arbitration, and the quotations given in this article are from that volume.

This correspondence shows that Russia's intention in asking that the line of demarcation should follow Portland Canal was that she should secure a strip of "*terra firma*" opposite Prince of Wales and the adjacent islands; that she described Portland Canal as "at the height of Prince of Wales Island" to indicate that the mouth of Portland Canal was opposite the southern extremity of Prince of Wales Island and the "origin in the interior between the fifty-fifth and fifty-sixth degrees of north latitude." This describes Portland Canal and not Behm Canal.

Great Britain's second contention, that the line should follow the crest of the mountains nearest the coast, cannot be sustained, as any one familiar with the Alaskan mountains knows that there is no distinct range of mountains along the coast, that they are in groups and patches both on the islands and on the mainland, and that where there are ranges they run at right angles and not parallel to the coast. Looking at the Alaskan coast from a distance, one sees what appear to be distinct ranges of mountains, but upon close examination it is impossible to find any range of mountains parallel to the coast. Great Britain's plan of taking individual mountains that suit her purpose and cutting from the crest of one to the crest of the next in such a way as to give her the heads of the bays, inlets, and channels with which the Alaskan coast is indented is thus shown to be untenable.

With reference to the third contention, that the ten marine leagues should be measured from the outer coast-line of the islands, it will be observed that in demanding this ten marine leagues Russia insisted upon it as ten marine leagues of "*terra firma*" "on the continent," and not ten marine leagues in width of island possessions.

Her fourth contention will also be proven impossible. The parties to the treaty meant exactly what they said when they described the line as following the "sinuosities" or windings of the coast, and did not mean, as Sir Wilfrid Laurier suggests, a line passing over bays and creeks and inlets.

The first proposal looking to the framing of a treaty adjusting the differences between Russia and Great Britain arising from their conflicting interests in the north Pacific Ocean was made by Count Lieven, Russian ambassador to London, on January 19, 1823, and on February 25 of that year Sir C. Bagot, British ambassador to St. Petersburg, was granted full power to adjust those differences with the Russian Government. On April 17, 1823, Count Nesselrode, the Russian prime minister, wrote Count Lieven at London the results of the first interview between himself and the British ambassador, Sir C. Bagot, stating clearly the Russian position as follows:

> . . . That the line of the fifty-fifth degree of north latitude should constitute the southern boundary of the states of his imperial majesty, that on the continent toward the east that line should run along the range of mountains which follow the sinuosities of the coast up to Mt. Elias, and that from that point up to the Arctic Ocean we would fix the borders of our respective possessions on the line of the one hundred and fortieth degree of longitude west from the meridian of Greenwich.
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> To the end not to cut the island of the Prince of Wales, which by that arrangement would remain with Russia, we would propose to carry the southern frontier of our domains to 54° and 40' of latitude and to make it abut on the continent at the Portland Canal, of which the opening into the ocean is at the height of the Prince of Wales Island and the origin in the interior between the fifty-fifth and fifty-sixth degrees of latitude.
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> This proposition would leave to us a straight *lisière* on that coast and would leave to the English establishments all the necessary space to multiply and extend.

As this is the line that was finally accepted after two years of effort by the British Foreign Office to secure a "compromise," it will be observed that the Russian diplomats know how to deal with Great Britain.

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Proceeding, Count Nesselrode, after mentioning a proposal of Sir Charles Bagot to have the line follow the channel called Duke of Clarence Strait, which is between Prince of Wales Island and the mainland, says:

If Prince of Wales Island remains ours it is necessary that it be of some use to us. But by the plan of the English ambassador it would be simply a charge upon us and almost an inconvenience. That island, in effect, and the establishments we would form there would be entirely isolated, deprived of all support, surrounded by the territory of Great Britain, and at the mercy of the English establishments on the coast.

. . . To the east Great Britain can unite the two coasts of America; to the south nothing can prevent them from acquiring a considerable extension. For us, we demand one simple *lisière* of the continent. . . .

. . . It cannot be said too often that according to the most recent maps England does not possess a single establishment at the height of Portland Canal . . . and Russia, when she insists upon the reservation of a medium space of *terra firma*, does not insist upon it for any value it has, but in order not to lose the surrounding isles. . . . We do not seek any advantage: we would avoid grave inconvenience.

Having stated the ground upon which Russia stood and shown clearly his thorough understanding of the whole subject, Count Nesselrode remains firm to it throughout the negotiations.

Strong efforts were made by Great Britain to force him from his position. In the beginning Sir C. Bagot was instructed to secure, if possible, the fifty-seventh degree as the southern boundary of Russian territory. He tried to do even better by proposing that the line follow Cross Sound and Lynn Canal, thus cutting off Russia from both the islands along the coast and the *lisière*, stating as his reason: "I thought that it might be for the advantage of the negotiation if I reserved the proposition of the fifty-seventh degree to a later period of it, and, judging from the map, it appeared to me that it might be desirable to obtain, if possible, the whole group of islands along the coast."

On January 15, 1824, an entire year having been consumed in negotiations without result, Mr. G. Canning, at the head of the British Foreign Office, wrote Sir C. Bagot, indicating that the line most satisfactory to the British Government "would be one drawn through Chatham Strait," the channel separating the island on which Sitka is situated from the island to the eastward of it, "or even Stephen's Passage, and if neither of these can be obtained," the line must be drawn on the mainland to the north of the northernmost post of the Northwest Company from east to west until it strikes the coast, and thence may descend to whatever latitude may be necessary for taking in the island on which Sitka stands.

Again, he suggested "the strait which separates the mainland from the islands" as the boundary. But if that could not be secured it would be expedient to assign, with respect to the mainland southward from Lynn Canal, "a limit, say, of fifty or a hundred miles from the coast, beyond which Russian posts should not extend to the eastward."

On March 17, 1824, Sir C. Bagot wrote that after six weeks of constant negotiation, after having gone to the utmost limit of his instructions and even beyond them, he had entirely failed to induce the Russian Government to accede to what he considered to be a fair and reasonable adjustment. He reported that he first suggested a line through Chatham Strait to the head of Lynn Canal. This being refused, he offered a line drawn from the west to the east through the center of the strait north of Prince of Wales Island to where it touched *terra firma*. "From there it shall follow in the same direction upon the *terra firma* to a point distant ten leagues from the coast, and from that point the line shall extend to the northwest parallel to the sinuosities of the coast, and always at the distance of ten marine leagues from the shore up to the one hundred and fortieth degree of longitude," etc. As a last resort he had then proposed to assign to Russia the Prince of Wales Island and to have the line of demarcation follow the channel separating Prince of Wales Island from the mainland to the middle of the strait north of that island, and then run directly east to a point on the *terra firma* ten marine leagues from the coast, and thence north, etc. These various offers were not accepted by the Russians, and they set forth their reasons in their final reply, saying, among other things:

That the possession of the Prince of Wales Island without a portion of the territory on the coast situated opposite that island could not be of any utility to Russia.

That all establishments formed on that island or on those adjacent to it would find themselves in many ways injured by the English establishments on the *terra firma* and completely at their mercy.

This ended the first period of negotiations, with Russia insisting on her original proposition and Great Britain still urging a "compromise." It is worth while to notice that throughout even these preliminary negotiations the location of Portland Canal is clearly defined as "at the height of Prince of Wales Island" and originating "in the continent between the fifty-fifth and fifty-sixth degrees of latitude." The fact that the mouth of Portland Canal is directly opposite the southern points of Prince of Wales Island and Russia's demanding the coast opposite Prince of Wales Island would clearly prove that

the canal now known as Portland Canal was meant, and not a passage further to the north.

It is also worth noticing, while the two powers are preparing for a renewal of the negotiations, that the line Russia insisted upon was construed by both sides to give her a "*lisière* of *terra firma*" "on the continent"—not a chain of islands or several detached pieces of mainland, as Great Britain contends now. The line of demarcation on the continent was to be not ten marine leagues from the outer line of the islands, but ten marine leagues from the shore, and in each case was insisted upon by Russia as a protection for the islands. It was also understood that the proposed line should "run along the mountains which follow the sinuosities of the coast," and it could not have been understood that such a line would, as Sir Wilfrid Laurier suggests, pass over bays and inlets, though it could very easily pass over creeks or mountain streams. The sinuosities of the coast would naturally mean the indentations of salt water.

Three months later, on July 12, 1824, Mr. Canning wrote to Sir C. Bagot directing him to reopen the negotations, and inclosed a draft of a treaty that would be acceptable to Great Britain, which accepts the line of demarcation laid down by Russia, except that it follows "the sinuosities of the coast along the base of the mountains nearest the sea." It further provides that "the said line of coast on the continent of America which forms the boundary of the Russian possessions shall not in any case extend more than —— leagues in breadth from the sea toward the interior, at whatever distance the aforesaid mountains may be." The number of leagues was purposely left out in order that Sir C. Bagot might get it reduced as much as possible. But he was instructed not to consent to more than ten. The expression "from the sea" has been construed by British officials to mean from the outer line of the islands—that is, from the Pacific Ocean. But when it is remembered that the *lisière* thus described is spoken of as "*terra firma*," as "on the continent of America," as for the protection of the islands along the coast, and when it is further considered that it is in many places twenty or more marine leagues from the outer line of the islands to the shore or coast of the continent, and that the line, if measured from the outer line of the islands, would come upon the inner edge of Prince of Wales and other islands, or in many cases in the middle of the strait separating the islands from the mainland, the contention is proved to be an impossible one.

This proposed draft of the treaty was practically acceptable to Russia from a territorial standpoint. But there were differences still to be adjusted with reference to the navigation of certain rivers and the rights of trading with the natives which were not satisfactory. On this account the Russian plenipotentiaries submitted a counter-draft of a treaty in which the description of the boundary line differed only from that suggested by Great Britain in that it prescribed an arbitrary width of the *lisière* of ten marine leagues regardless of the mountains, saying that the *lisière* of the coast belonging to Russia "shall not have in width on the continent more than ten marine leagues from the border of the sea." This shows conclusively that the *lisière* was to be ten marine leagues in width on the continent. This latter proposition and refusal concluded the second period of the negotiations with Russia, still firm in her original position, and Great Britain, so far as territorial questions were concerned, practically willing to concede Russia's claims.

Negotiations were resumed again in December, 1824, when Mr. George Canning, who was at the head of the Foreign Office in London, commissioned Mr. Stratford Canning to proceed to St. Petersburg to conclude and sign a treaty with the Russian Government. The instructions to this new ambassador were that he should oppose Russia's plan of making the *lisière* ten marine leagues in width regardless of the mountains, and abandon the former contention of the British Government for the seaward base of the mountains as the boundary line, and agree to the summit as suggested all along by Russia.

At last, on February 16, 1825, the treaty was agreed upon and was signed, the portions dealing with the boundary line being substantially those proposed by Count Nesselrode.

In reviewing the above correspondence, it will be seen that the questions now brought up by Great Britain were all discussed previous to the signing of the treaty. It will be seen that "Portland Channel" means the same now that it did seventy-five years ago; that the word "sinuosities" was used intentionally, and that the framers of the treaty meant Russia should have the harbors, bays, and inlets on the coast, while Great Britain had the interior; that the *lisière* of coast was meant to be upon the continent and not a chain of islands or detached strips of shore.

There is no section of Alaska which is not rich in mineral. Already the great Treadwell mines and others in the vicinity of Juneau have been opened up on the land that would have gone to Great Britain had Russia consented to "compromise;" indeed, they would many of them go to Great Britain now if the United States should concede what Great Britain claims as to the ten marine leagues being measured from the outward line of the islands.